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## Resolution adopted by the General Assembly on 19 December 2017

[*on the report of the Third Committee (A/72/438)*]

### 72/158. Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

*The General Assembly*,

*Recalling* all of its previous resolutions on the subject, including resolution 71/182 of 19 December 2016, and Human Rights Council resolutions 15/12 of 30 September 2010,[1] 15/26 of 1 October 2010,[2] 18/4 of 29 September 2011,[3] 21/8 of 27 September 2012,[4] 24/13 of 26 September 2013,[5] 27/10 of 25 September 2014,[6] 30/6 of 1 October 2015,[7] 33/4 of 29 September 2016[8] and 36/3 of 28 September 2017[9] as well as all resolutions adopted by the Commission on Human Rights in this regard,

*Recalling also* all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African

[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.
[2] Ibid., chap. I.
[3] Ibid., *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and A/66/53/Add.1/Corr.1), chap. II.
[4] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.
[5] Ibid., *Sixty-eighth Session, Supplement No. 53A* (A/68/53/Add.1), chap. III.
[6] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.
[7] Ibid., *Seventieth Session, Supplement No. 53A* (A/70/53/Add.1), chap. III.
[8] Ibid., *Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.
[9] Ibid., *Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. II.



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Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[10] as well as by the African Union,

*Reaffirming* the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

*Reaffirming also* that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect this right in accordance with the provisions of the Charter,

*Reaffirming further* the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[11]

*Acknowledging with appreciation* the work and contributions of the open-ended intergovernmental working group established by the Human Rights Council with the mandate of considering the possibility of elaborating an international regulatory framework, including the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies,

*Alarmed and concerned* at the danger that the activities of mercenaries constitute to peace and security in developing countries in various parts of the world, in particular in areas of armed conflict, and about the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

*Deeply concerned* at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

*Convinced* that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note with appreciation* of the latest report of the Working Group of the Human Rights Council on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[12]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and that they violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries on the global market;

4. *Urges*, once again, all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control are not used for, and that their nationals do not take part in, the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of

[10] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[11] Resolution 2625 (XXV), annex.

[12] A/72/286.

activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in accordance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import military assistance or consultancy and security services provided by private companies to establish national regulatory mechanisms for registering and licensing those companies in order to ensure that the imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes its utmost concern* about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet done so to consider taking the action necessary to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[11]

9. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group on the use of mercenaries and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group on the use of mercenaries of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

14. *Recalls* the holding of the sixth session of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, expresses satisfaction at the participation of experts, including the members of the Working Group on the use of mercenaries, as resource persons at the above-mentioned session, and requests the

[11] United Nations, *Treaty Series*, vol. 2163, No. 37789.

Working Group and other experts to continue their participation in the above-mentioned working group;

15. *Requests* the Working Group on the use of mercenaries to continue the work already done by the Special Rapporteurs on the use of mercenaries of the Commission on Human Rights with respect to the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session;[14]

16. *Also requests* the Working Group on the use of mercenaries to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and private military and security companies and their impact on human rights, particularly on the right of peoples to self-determination;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

18. *Recommends* that all Member States, including those confronted with the [illegible] of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military and security company, contribute to the work of the open-ended intergovernmental working group, taking into account the initial work done by the Working Group on the use of mercenaries;

19. *Urges* all States to cooperate fully with the Working Group on the use of mercenaries in the fulfilment of its mandate;

20. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Working Group on the use of mercenaries with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with mercenary-related activities, in order to meet the demands of its current and future activities;

21. *Requests* the Working Group on the use of mercenaries to consult States and intergovernmental and non-governmental organizations on the implementation of the present resolution, and to report, with specific recommendations, to the General Assembly at its seventy-third session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

22. *Decides* to consider the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination at its seventy-third session under the item entitled "Right of peoples to self-determination".

*73rd plenary meeting*
*19 December 2017*

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[14] See E/CN.4/2004/15, para. 47.